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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,313	08/20/2003	Douglas Stevenson	XTEN-I-1013	7617
758	7590	11/21/2005	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			FERNANDES, CHERYL M	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/645,313	STEVENSON ET AL.	
	Examiner	Art Unit	
	Cheryl M. Fernandes	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-82 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 April 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/22/05, 6/27/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This communication is in response to Amendment filed August 26, 2005. Claims 1-82 are pending. Claims 1, 7, 21, 30, 40, 41, 47-49, 51, 52, 58-60, 62, 63, 80, and 82 are amended.

Response to Arguments

2. Referring to the objection to the drawings, Applicant's amendment to Fig. 1 is acknowledged. As such, the objection to the drawings is withdrawn.

3. Referring to the objection to claim 82, Applicant's amendment of the claim is acknowledged. As such, the objection to the claim is withdrawn.

4. Referring to the 35 USC 112 second paragraph rejection of claims 7, 40, 47-49, 51, 58-60, 62, and 80, Applicant's amendments to the claims are acknowledged. As such, the 35 USC 112 second paragraph rejections of the claims are withdrawn.

5. Applicant's arguments with respect to claims 1-82 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-15, 19-38, 41-49, and 52-60, 62-77, and 79-82 are rejected under 35 U.S.C. 102(b) as being anticipated by EPO publication WO 01/86390 A2 by Walker et al (hereafter Walker).

Referring to claim 1, Walker discloses a system for augmenting data from a source data file with data from a reference database to generate an augmented data file (Abstract; page 5, line 1 – page 6, line 5), comprising:

- a reference database including at least one reference datum (preference database contains data patterns, page 11, lines 11-13);
- a handler component configured to retrieve a source data file including at least one structured datum (electronic file including content is accessed from a link, page 5, lines 1-10; page 10, lines 23-28, Fig. 1, element 16; page 11, lines 14-16);
- a locator component configured to locate the structured datum in the source data file (matching pattern from preferences database is located, page 10, line 28 – page 11, line 16, Fig. 1, element 18; page 16, lines 13-18; page 19, lines 17-25); and
- an analyzer component configured to associate the identified structured datum to the one reference datum to create an association according to an analyzing strategy (matching pattern is associated with a network resource, page 10, lines 23 – page 11, line 7; Fig. 1, elements 12 and 22; page 16, lines 18-22; page 19, lines 17-25);
- a generating component configured to:

- o generate a hyperlink based upon the association (page 5, lines 11-17; page 11, lines 14-19); and
- o embed the generated hyperlink in the source data file to create an augmented data file (hyperlink to network resource inserted into electronic file, page 11, lines 1-19, Fig. 1, element 22; page 16, lines 22-26) wherein the embedded generated hyperlink is displayable with the identified structured datum on a client system (page 11, lines 1-7, Fig. 1, element 24; page 16, line 27 – page 17, line 6; page 19, lines 17-25).

Referring to claim 21, Walker discloses a method of augmenting data from a source data file with data from a reference database (Abstract; page 5, line 1 – page 6, line 5), the method comprising:

- retrieving at least one data file including at least one structured datum from a first address (electronic file including content is accessed from a link, page 5, lines 1-10; page 10, lines 23-28, Fig. 1, element 16);
- identifying the structured datum (electronic content within file identified, page 16, lines 10-14; page 19, lines 17-25);
- locating reference datum from a reference database according to the identified structured datum (matching pattern from preferences database is located, page 10, line 28 – page 11, line 16, Fig. 1, element 18; page 16, lines 13-18; page 19, lines 17-25);

- generating a hyperlink according to the reference datum (page 5, lines 11-17; page 11, lines 14-19);
- augmenting the data file with the hyperlink to create an augmented file (hyperlink to network resource inserted into electronic file, page 11, lines 1-19, Fig. 1, element 22; page 16, lines 22-26) wherein the hyperlink associated with the identified structure datum is displayable with the structured datum (page 11, lines 1-7, Fig. 1, element 24; page 16, line 27 – page 17, line 6; page 19, lines 17-25); and
- storing the augmented data file at a second address for subsequent display of the augmented file (page 16, lines 10-26) in response to a request for the data file (request for source file or content, see Walker, Abstract; page 10, lines 23-28, Fig. 1, element 14; page 16, lines 10-13; page 18, lines 16-30).

Referring to claim 41, Walker discloses a system for associating data in a reference database with structured data in a source data file (Abstract; page 5, line 1 – page 6, line 5), comprising:

- means for reading a structured datum from the source database (electronic file is accessed, page 10, lines 23-28, Fig. 1, element 16; electronic content, page 16, lines 10-14; page 19, lines 17-25);
- means for locating a reference datum in a reference database corresponding to the read structured datum (matching pattern from preferences database is

- located, page 10, line 28 – page 11, line 16, Fig. 1, element 18; page 16, lines 13-18; page 19, lines 17-25);
- means for generating an association to the read structured datum based upon the located reference datum (matching pattern is associated with a network resource, page 10, lines 23 – page 11, line 7; Fig. 1, elements 12 and 22; page 16, lines 18-22; page 19, lines 17-25); and
 - means for augmenting the source data file with the generated association (hyperlink to network resource inserted into electronic file, page 11, lines 1-19, Fig. 1, element 22; page 16, lines 22-26), wherein the generated association of the located reference datum is displayable with the structured datum (page 11, lines 1-7, Fig. 1, element 24; page 16, line 27 – page 17, line 6; page 19, lines 17-25).

Referring to claim 30, the limitations of the claim repeat the respective limitations of claim 41 above in the form of a method of augmenting structured data stored in a source data file with unstructured data stored in a reference database (see Walker, Abstract; page 5, line 1 – page 6, line 5). In addition, claim 30 recites:

- generating an association of additional information to the read structured datum based upon the located reference datum (network resources are associated with the matching pattern of the electronic file, see Walker, page 10, lines 23 – page 11, line 7; Fig. 1, elements 12 and 22; page 16, lines 18-22; page 19, lines 17-25),

- wherein the additional information from the generated association is displayable with the structured datum (see Walker, page 11, lines 1-7; page 16, lines 18-26) in response to a request for the source data file (request for source file or content, see Walker, Abstract; page 10, lines 23-28, Fig. 1, element 14; page 16, lines 10-13; page 18, lines 16-30).

Referring to claim 52, the limitations of the claim repeat the limitations of claim 41 above in the form of a computer software program (see Walker, Abstract; page 21, lines 24-28), and are therefore rejected for the same reasons discussed in claim 41.

Referring to claim 63, the limitations of the claim repeat the limitations of claim 1 above in the form of a computer software program for augmenting data from a source data file with data from a reference database to generate an augmented data file (see Walker, Abstract; page 21, lines 24-28), and are therefore rejected for the same reasons discussed in claim 1.

Referring to claims 2-4, 22, 23, 31, 32, 42, 43, 53, 54, and 64-66, Walker discloses that the source data file is stored on at an address on a network, wherein the network is the Internet (page 18, lines 7-24; page 19, lines 7-8).

Referring to claims 6, 25, 33, 44, 55, and 68, Walker discloses that locating the reference datum includes locating a uniform resource locator address (page 20, line 24 – page 21, line 11).

Referring to claims 7, 34, 45, 56, and 69, Walker discloses that locating the uniform resource locator address includes locating the uniform resource locator address for an advertisement (page 4, lines 15-20).

Referring to claims 8 and 70, Walker discloses generating a second identifier associated with the first uniform resource locator address (page 10, lines 23 – page 11, line 7; Fig. 1, elements 12 and 22; page 16, lines 18-22; page 19, lines 17-25).

Referring to claims 10 and 72, Walker discloses that the first uniform resource locator address is further associated with a user-friendly descriptor (page 11, lines 1-19, Fig. 1, element 22; page 16, lines 22-26).

Referring to claim 15, Walker discloses that the analyzer component is further configured to associate the first uniform resource locator address with the first text string (page 11, lines 1-19, Fig. 1, element 22; page 16, lines 22-26).

Referring to claim 26, Walker discloses associating the structured datum to a uniform resource locator address (page 10, lines 23 – page 11, line 7; Fig. 1, elements 12 and 22; page 16, lines 18-22; page 19, lines 17-25).

Referring to claims 35, 46, and 57, Walker discloses locating a reference datum in a reference database corresponding to the read structured datum and wherein corresponding includes corresponding according to an analyzing strategy (page 10, line 28 – page 11, line 16, Fig. 1, element 18; page 16, lines 13-18; page 19, lines 17-25).

Referring to claims 11, 13, 14, 36, 47, 58, 73, and 75, Walker discloses locating a first text string in the structured datum and matching a second text string in the reference datum (page 16, line 27 – page 17, line 6).

Referring to claims 12, 37, 48, 59, and 74, Walker discloses locating a first keyword in the structured datum to correspond to a second key word in the reference datum (page 16, line 27 – page 17, line 6).

Referring to claims 9, 38, 49, 60, and 71, Walker discloses generating a first identifier to the structured datum and locating a second identifier in the reference datum matching the first identifier (page 12, lines 9-30), and associating the first uniform resource locator address with the structured datum (page 10, lines 23 – page 11, line 7; Fig. 1, elements 12 and 22; page 16, lines 18-22; page 19, lines 17-25).

Referring to claims 19 and 81, Walker discloses saving the augmented file at a desired second uniform resource locator address (page 28, lines 1-10).

Referring to claims 20 and 82, Walker discloses displaying the augmented data file when directed to the source data file (page 11, lines 1-19, Fig. 1, element 24; page 16, line 27 – page 17, line 6; page 19, lines 17-25).

Referring to claim 62, Walker discloses retrieving a natural language text from the structured datum (page 16, lines 15-17).

Referring to claims 5, 24, and 67, Walker discloses that the structured datum includes a formatted webpage (page 19, lines 26-29; page 22, lines 12-16).

Referring to claims 76 and 77, Walker discloses an analyzing strategy that includes matching the first text string with the second text string (page 12, lines 9-30) and further associating the first resource locator address with the first text string (page 10, lines 23 – page 11, line 7; Fig. 1, elements 12 and 22; page 16, lines 18-22; page 19, lines 17-25)

Referring to claims 27 and 80, Walker discloses that the hyperlink is associated with a user-friendly descriptor, the user-friendly descriptor being associated with the

associated first uniform resource locator address (page 11, lines 1-19, Fig. 1, element 22; page 16, lines 22-26).

Referring to claims 28 and 29, Walker discloses displaying the augmented data file including the user-friendly name (page 11, lines 1-19, Fig. 1, element 22; page 16, lines 22-26; page 28, lines 1-10).

Referring to claim 79, Walker discloses that the analyzer component generates the first identifier by means of a natural language search engine (Walker, Yahoo, page 50, line 22 – page 51, line 9).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 16-18, 39, 40, 50, 51, 61, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker, as applied to claims 9, 38, 49, 60, and 77 respectively, and further in view of Skillen.

Referring to claims 16, 39; 50, 61, and 78, Walker discloses all of the above claimed subject matter, but remains silent as to generating an identifier based upon a “fuzzy expert” search engine.

However, Skillen discloses analogous art that includes generating an identifier based upon a "fuzzy expert" search engine (Skillen, col. 4, lines 14-25; col. 5, lines 29-38; Fig. 2, element 40).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Walker to include generating an identifier based upon a "fuzzy expert" search engine, as taught by Skillen.

The ordinary skilled artisan would have been motivated to modify Walker per the above for the purpose of correlating a search argument derived from the user and changes in the argument during a single session to particular data in a database (Skillen, col. 4, lines 14-19).

Referring to claim 17, the combination of Walker/Skillen discloses that the analyzer component generates the first identifier by means of a natural language search engine (Walker, Yahoo, page 50, line 22 – page 51, line 9).

Referring to claim 18, the combination of Walker/Skillen discloses that the hypertext link is further associated with a user-friendly descriptor (Walker, page 11, lines 1-19, Fig. 1, element 22; page 16, lines 22-26).

Referring to claims 40 and 51, the combination of Walker/Skillen discloses retrieving a natural language text from the structured datum (Walker, page 16, lines 15-17).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M Fernandes who can be reached on (571) 272-4018. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 10, 2005
CMF

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